

[Advisory Opinion 1995-13]

October 18, 1995

To: [Name1 withheld], Chief
Capital Projects Management Division
Department of Facilities and Services

[Name2 withheld], Architect
Capital Projects Management Division
Department of Facilities and Services

FROM: Jay L. Cohen, Chair [signed]
Montgomery County Ethics Commission

RE: Request for Advisory Opinion—Architect's Job Share Position

You have requested an advisory opinion from the Ethics Commission regarding the issues affecting a job share position whereby the Department of Facilities and Services (DFS) will hire an architect to work part-time with DFS, while maintaining other employment. You indicated that the applicants may have existing architectural design businesses and/or contracts, and that they may wish to continue in those positions or to enter into new ventures once becoming a County employee. You would like to be able to provide them with some idea of the restrictions that would be imposed upon those activities prior to their accepting employment with the County.

Generally, the County treats any employment other than that with the County as outside employment. The Ethics Law contains several sections that address issues related to outside employment. I have attached photocopies of the relevant provisions of the Ethics Law that address conflicts of interest (§19A-11); outside employment restrictions and approval requirements (§19A-12); the typical conditions imposed on outside employment approvals; use of County facilities or equipment (§19A-14); and the elements for obtaining a waiver if necessary (§19A-8). As you can see, there are many situations addressed by these provisions, and the Commission must review the application of those provisions on a case-by-case basis. This information should provide an indication to the job applicants of the requirements that the County has regarding their employment for the County as well as various private endeavors.

If you have any other questions based upon individual circumstances, please do not hesitate to contact the Commission.

Enclosures

cc: Barbara McNally, Executive Secretary, Montgomery County Ethics Commission